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| EXAMINER |
|---|
| VAN HANDEL, MICHAEL P |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2623 | |

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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| 3 MONTHS | 04/12/2007 | PAPER |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on _19 January 2007_.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) _12-14,16-19,21,22,97 and 99-103_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _12-14,16-19,21,22,97 and 99-103_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _11/9/06 + 1/24/07_

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1.      A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on 1/19/2007 has been entered.

### *Response to Amendment*

1.      This action is responsive to an Amendment filed 1/19/2007. Claims **12-14, 16-19, 21, 22,**

**97, 99-103** are pending. Claims **12, 16, 17, 21, 22, 97, 99-101** are amended. Claims **15, 20, 23-**

**35, 49-71, 98** are canceled. Claims **1-11, 36-48, 72-96** are withdrawn.

### *Response to Arguments*

1.      Applicant's arguments regarding claims **12, 17,** and **22,** filed 1/19/2007, have been

considered, but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims **12, 14, 16, 17, 19, 21, 22, 97, 102, 103** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al. in view of Suzuki et al.

Referring to claims **12, 17**, and **22**, Shoff et al. discloses a receiving apparatus/method/computer readable medium, comprising:

- a receiver, arranged to receive a bit stream, wherein the bit stream is multiplexed image data by one coding format (video stream), image data and/or sound data encoded by another coding format (supplemental content), and system data (timing information, display layout, tuned channel, time slot, text of hypertext document, etc.)(col. 4, 1. 62-67; col. 5, 1. 1-5, 12-32; col. 6, 1. 7-22; col. 9, 1. 8-19; col. 10, 1. 3-23, 34-58);

- a first decoder 98, arranged to decode the image data encoded by the one coding format (col. 10, 1. 18-24 & Figs. 5-7);

- a second decoder 100, arranged to decode the image data and/or sound data encoded by the other coding format (hypertext file)(col. 5, 1. 12-33);

- a third decoder (processor 92), arranged to decode at least scene description data (display layout), program ID data (channel and time slot)(col. 8, 1. 62-67 & col. 9, 1. 1-8), and character command data (character data is displayed according to the display layout) from the system data (see characters in Fig. 8c)(col. 10, 1. 3-17, 34-58 & Fig. 8c);

- a character generator, arranged to generate character data instructed by the character command data using internal character data, wherein the character command data

instructs the generation of the character data and a layout of a character represented

by the generated character data (in accordance with the display layout and timing

information, the web browser displays text characters at prescribed locations and

times)(col. 10, l. 44-58 & Fig. 8c);

- a determiner, arranged to determine whether a program ID indicated by the program

ID data and a registered program ID are coincident or not, wherein the program ID is

uniquely specified for each program (col. 5, l. 61-67; col. 6, l. 1-28, 49-61; col. 8, l.

62-67; col. 9, l. 1-8; & Fig. 3);

- a storage, arranged to store layout data corresponding to the registered program ID,

and to supply layout data corresponding to the registered program ID coincident with

the program ID (the examiner notes that the supplemental content including the

display layout is downloaded if the user enters an interactive mode)(col. 9, l. 41-59 &

col. 10, l. 18-24 & Figs. 8a, 8b);

- a setter (remote control handset), arranged to set a user layout to display images

represented by a plurality of image data, which are decoded by said first and second

decoders, and the character represented by the generated character data, in accordance

with the layout data supplied from said storage, when said determiner determines that

the program ID and the registered program ID are coincident (after the user selects

the interactive mode, the display is changed. Fig. 8b shows an example of an

interactive screen. After the user selects another button, such as soft button 220, the

screen is again changed)(col. 11, l. 48-67 & col. 12, l. 1-23); and

- a synthesizer, arranged to synthesize the plurality of image data and/or sound data

decoded by said first and second decoders and the generated character data, in

accordance with the scene description data and the user layout so as to reconstruct the

scene when said determiner determines that the program ID and the registered

program ID are coincident (col. 10, l. 34-67 & col. 11, l. 48-65).

Shoff et al. does not disclose that the one coding format be MPEG 4. Suzuki et al. discloses a

bitstream multiplexing apparatus and a demultiplexing apparatus that encodes audio and video

according to the MPEG4 scheme (col. 13, l. 54-64). Suzuki et al. further discloses that the

MPEG4 multiplexing apparatus include elementary streams (ES) describing audio and video

objects, scene descriptors for describing two-dimensional and three-dimensional scenes, time

stamps, etc. (col. 14, l. 1-10). It would have been obvious to one of ordinary skill in the art at the

time that the invention was made to modify the one coding format of Shoff et al. to be encoded

according to the MPEG4 scheme, such as that taught by Suzuki et al. in order to allow an image

to be encoded in units of objects for more efficient manipulation.

Referring to claims **14** and **19**, the combination of Shoff et al. and Suzuki et al. teaches

the apparatus/method according to claims 12 and 17, respectively, further comprising a

reproducer arranged to reproduce the image data and/or sound data synthesized by said

synthesizer (Shoff et al. col. 10, l. 34-43 & Figs. 2, 7, 8a-8c).

Referring to claims **16** and **21**, the combination of Shoff et al. and Suzuki et al. teaches

the apparatus/method according to claims 12 and 17, respectively, wherein said storage stores the

layout data indicating the user layout in correspondence with the program ID, in accordance with

a user instruction (Shoff et al. col. 11, l. 48-67; col. 12, l. 1-6; & Figs. 8a-8c).

Referring to claim **97**, the combination of Shoff et al. and Suzuki et al. teaches an

apparatus according to claim 16, wherein said storage is capable of storing a plurality of user

layout data corresponding to a respective plurality of program IDs, and supplies user layout data

selected from the plurality of user layout data in accordance with the program ID (Shoff et al.

Fig. 3).

Referring to claim **102**, the combination of Shoff et al. and Suzuki et al. teaches an

apparatus according to claim 12, wherein the user layout further effects a change in audio output

format (Shoff et al. col. 5, l. 16-18).

Referring to claim **103**, the combination of Shoff et al. and Suzuki et al. teaches an

apparatus according to claim 12, wherein the position of an object in the user layout is defined by

a) the user shifting the position of the object from a basic layout specified by scene description

data (for example, as shown in Fig. 8c, the program boundary is reduced in size in response to

user input)(col. 11, l. 66-67; col. 12, l. 1-6; & Figs. 8b, 8c), or b) the user setting the position of

the object at an arbitrary position.

NOTE: The USPTO considers the applicant's "or" language to be anticipated by any reference

containing any of the subsequent corresponding elements.


3.      Claims **13, 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al.

in view of Suzuki et al. and further in view of Wang.

Referring to claims **13** and **18**, the combination of Shoff et al. and Suzuki et al. teaches

the apparatus/method according to claims 12 and 17, respectively.  The combination of Shoff et

al. and Suzuki et al. further teaches a second decoder for decoding hypertext files (see relevant

citations regarding claim 12 above). The combination of Shoff et al. and Suzuki et al. does not

teach that the second decoder decodes image data and/or sound data encoded by MPEG 2. Wang

discloses partitioning an HTML format file into MPEG-2 data packets for transport over an

MPEG-2 digital television network, while retaining the HTML format (col. 2, l. 27-30). It would

have been obvious to one of ordinary skill in the art at the time that the invention was made to

modify the hypertext file of Shoff et al. in the combination of Shoff et al. and Suzuki et al. to be

partitioned into MPEG-2 data packets prior to transport, such as that taught by Wang in order to

adapt the normally two-way network model of the World Wide Web for use in a one-way

MPEG-2 based digital TV network (col. 2, l. 34-36).


4.        Claims **99-101** are rejected under 35 U.S.C. 103(a) as being unpatentable over Shoff et al.

in view of Suzuki et al. and further in view of Rajan.

Referring to claims **99-101**, the combination of Shoff et al. and Suzuki et al. teaches an

apparatus according to claim 97. The combination of Shoff et al. and Suzuki et al. further

teaches allowing a content developer to prescribe the size, style, shape, location, presentation

format, and other parameters for presenting supplemental content with a program (Shoff et al.

col. 10, l. 34-58; col. 12, l. 24-47; & Figs. 8a-8c). The combination of Shoff et al. and Suzuki et

al. does not teach that the user layout comprises manually-specified, per-MPEG4-object scaling,

position, or display/non-display information for scaling, adjusting the position, or controlling the

display/non-display, respectively, of an MPEG4 object. Rajan discloses allowing a user to enter

commands to change attributes of objects within a scene graph, such as scale, position, or

whether the object is to be included in a scene (p. 2, paragraphs 43, 44 & p. 4, paragraph 68). It

would have been obvious to one of ordinary skill in the art at the time that the invention was

made to modify the presentation development of Shoff et al. in the combination of Shoff et al.

and Suzuki et al. to include allowing a user to enter commands to change attributes of objects

within a scene graph, such as scale, position, or whether the object is to be included in a scene,

such as that taught by Rajan in order to allow a user to update an MPEG-4 scene prior to

presentation (p. 1, paragraphs 18-23 & p. 2, paragraphs 24-27).


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968.

The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

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like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH

SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER